REMARKS

This Amendment is filed with a Request for Continued Examination. With the entry of this Amendment, Claims 1-28 are pending in the present application, of which claims 1, 13 and 20 are in independent form.

This application has been reviewed in light of the Final Office Action mailed September 8, 2005. Claims 1-28 are pending in this application. The application has been amended without adding any new matter. Specifically, claims 8,13,17, 20 and 24 have been amended to more clearly depict what the applicants claim as the invention. Support for the amended matter can be found on page 7, paragraph 30 and on page 8, paragraph 32 of the application.

I. REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1-5, 7, 13,14, 16, 20-23 in the Final Office Action under U.S.C. § 102(b) as being anticipated by Franke et al., Autonomous Driving Goes Downtown, IEEE Intelligent Systems, 1998 (hereinafter "Franke").

Franke fails to teach or suggest the step of tessellating the depth map into a number of patches and selecting a plurality of the patches for processing as recited in amended independent claims 1, 13 and 20.

The Examiner specifically points to page 41, first column, last paragraph, page 42, first column and Fig. 4 of Franke as disclosing the above step. However, the 2D depth map shown in Fig 4 is not tessellated into a number of patches. The depth map of Franke shows a cluster of feature points which are tracked to detect the potential obstacles. Franke only focuses on the cluster of points on the depth map to detect potential obstacles. Franke is not at all concerned

with the rest of the portion of the depth map. Whereas, in the present invention, the depth map is first tessellated into a number of patches which are then selected for processing to detect a potential threat in the tessellated depth map.

Since Franke is devoid of any teachings regarding depth map tessellation into a number of patches and selecting a plurality of the patches for processing, the Applicants believe amended independent claims 1, 13, and 20 are patentable under 35 U.S.C. § 102 (b). Claims 2-5, 7, 14, 16, 21-23 depend, either directly or indirectly, from claims 1, 13, and 20 and are patentable at least for the same reasons that the independent claims are patentable. As such, the Applicants respectfully request the rejection of claims 1-5, 7, 13, 14, and 16, 20-23 be withdrawn.

II. REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 6 and 15 as being unpatentable over Franke in view of Yang et al., Vision Based Real-time Obstacles Detection and Tracking for Autonomous Vehicle Guidance. Real-time Imaging VI, Proceedings of SPIE, Vol. 4666, pp. 65-74, 2002 (hereinafter "Yang").

Neither of the references, Franke in view of Yang alone or in combination teach or suggest the feature of tessellating the depth map into a number of patches and selecting a plurality of the patches, as recited in amended independent claims 1 and 13. Since, the amended independent claims 1 and 13 are patentable over the prior art, as discussed above, Applicant submits that the dependent claims 6 and 15 are allowable for the same reasons as advanced allowability of claims 1 and 13. Applicant respectfully requests withdrawal of the § 103 rejection of Claims 6 and 15.

III. ALLOWED CLAIMS

The Applicants thank the Examiner for allowing claims 8-12, 17-19, and 24-28 subject to rewriting and proper dependence.
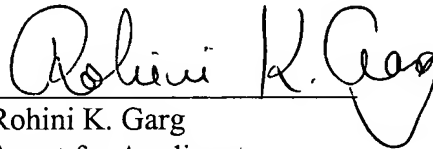
CONCLUSION

In view of the above amendment and remarks, Claims 1-28 are submitted to be allowable. Reconsideration and favorable action in this regard are therefore earnestly solicited.

If any additional fee is deemed necessary for this Amendment to be entered and considered by the Examiner, then the Commissioner is authorized to charge such fee to Deposit Account No. **501358**.

Applicants' undersigned agent may be reached by telephone at (973) 597-2500. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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